

# ***EXHIBIT “D”***

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October 13, 2010

**VIA FACSIMILE**

Honorable M. Faith Angell  
United States District Court for the  
Eastern District of Pennsylvania  
Robert N.C. Nix Federal Building  
900 Market Street, Suite 211  
Philadelphia, PA 19107

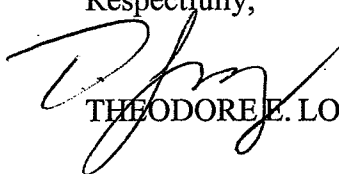
**RE: Anthony Hornicek, on behalf of himself and all  
others similarly situated v. Cardworks Servicing, LLC  
U.S.D.C. E.D. Pa. Civil Action No. 10-CV-3631(LP)**

Dear Judge Angell:

I write in follow-up to my telephone conversation with Judith Kiesel yesterday and to confirm that the scheduling conference set for today has been adjourned upon the request of all counsel. I understand an Order will issue setting a new date. As I mentioned to Ms. Kiesel, this matter may resolve itself in the interim.

Thank you for your attention to this matter.

Respectfully,

  
THEODORE E. LORENZ

TEL:seh

cc: John H. Bedard, Jr., Esquire (via email)  
Joann Needleman, Esquire (via email)

clf\hornicek-cardworks\correspondence\atty-court\20101013 TEL to Judge Angell let

**Theodore Lorenz**

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**From:** Theodore Lorenz  
**Sent:** Monday, October 11, 2010 6:28 PM  
**To:** John Bedard; Cary Flitter  
**Cc:** Joann Needleman  
**Subject:** RE: Cardworks v. Hornicheck

John,

Per our earlier conversation, I will call chambers tomorrow to see about an adjournment of the status conference while we address the arb issue you have raised. If the Court will not postpone the status conference, then we will have to attend.

Thanks.

Ted

**From:** John Bedard [<mailto:jbedard@bedardlawgroup.com>]  
**Sent:** Friday, October 08, 2010 2:24 PM  
**To:** Cary Flitter  
**Cc:** Joann Needleman; Theodore Lorenz; Michael Chapman  
**Subject:** RE: Cardworks v. Hornicheck

Thank you Cary. Agreed. Let's discuss once you've had an opportunity to review what we've sent. I'll wait to hear from you. Do you prefer that we refrain from filing the motion?

Thank you,

John H. Bedard, Jr.  
[jbedard@bedardlawgroup.com](mailto:jbedard@bedardlawgroup.com)

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**From:** Cary Flitter [<mailto:cflitter@lfb.com>]  
**Sent:** Friday, October 08, 2010 2:11 PM  
**To:** John Bedard  
**Cc:** Joann Needleman; Theodore Lorenz  
**Subject:** RE: Cardworks v. Hornicheck

John,

I just got back in the office after being out this morning and yesterday on matters. We can chat this afternoon if you like. But of course you've sent 50+ pages of material. Since it took the defendant over a month to pull together, we

obviously need a bit of time to review, and to review with our client. So if you feel there's a reason to talk this afternoon about other than the detailed content of your affiant, we can, at 3pm or 4pm.

Otherwise, we will send it to our client and get his feedback and should be able to talk at some point before the end of next week.

Cary L. Flitter

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**From:** John Bedard [<mailto:jbedard@bedardlawgroup.com>]

**Sent:** Friday, October 08, 2010 9:02 AM

**To:** Cary Flitter; Theodore Lorenz

**Cc:** Michael Chapman; Joann Needleman ([joann@mnlawpc.com](mailto:joann@mnlawpc.com))

**Subject:** Cardworks v. Hornicheck

Carey and Ted,

Please find attached the declaration of the original creditor which we plan to use as support for our motion to compel arbitration in the above referenced action. Please also confirm that we're having a call today to discuss.

Thank you,

John H. Bedard, Jr.

[jbedard@bedardlawgroup.com](mailto:jbedard@bedardlawgroup.com)

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